

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Petition of) Application No. NG-0047/
the Nebraska Public Advocate for) DR-0002
a Declaratory Ruling, seeking a)
determination that Kinder Mor-)
gan, Inc., n/k/a SourceGas Dis-) ORDER OVERRULING OBJECTION
tribution LLC, improperly imple-) AND UPHOLDING ASSESSMENT
mented interim and final rates)
in Docket NG-0036 for which cus-)
tomers are entitled to a credit)
or refund.) Entered: November 20, 2007

BY THE COMMISSION:

On May 15, 2007, the Nebraska Public Advocate filed an application seeking a determination that Kinder Morgan, Inc., n/k/a SourceGas Distribution LLC, improperly implemented interim and final rates in Application No. NG-0036 for which customers are entitled to a credit or refund. On June 18, 2007, SourceGas, LLC, f/k/a Kinder Morgan, Inc., filed a Response and Motion to Dismiss.

Subsequent to a planning conference, the Public Advocate filed a Withdrawal Without Prejudice of Petition for Declaratory Ruling (Withdrawal). On August 1, 2007, the Commission entered Assessment Order No. HS-001, assessing costs to SourceGas Distribution LLC (SourceGas) for the Public Advocate related to this docket in the amount of **\$2,348.60**. On August 20, 2007, SourceGas filed an objection to the assessment (Objection) pursuant to Neb. Rev. Stat. § 66-1844(1). The Public Advocate filed a Response to Objection to Cost Assessment (Response) on September 20, 2007. Hearing on this matter was held October 30, 2007.

Administrative notice was taken of all pleadings, filings and orders entered in Docket No. FC-1327 and the above-captioned matter. Additionally, copies of the Assessment Order HS-001 and the attached invoice; the Objection; and the Public Advocate's response to the Objection were entered into the record.

OPINION AND FINDINGS

Pursuant to § 66-1844(1), "[t]he commission shall determine if the assessment or any part of the assessment is excessive, erroneous, unlawful, or invalid and shall render an order upholding, invalidating, or amending the assessment."

The Commission finds that the filing made by the Public Advocate was made in good faith in the execution of the duties of his office. Furthermore, the circumstances surrounding the filing were unique. Additionally, the underlying preparation

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NG-0047/DR-0002

Page 2

completed by the Public Advocate assisted in the filing of the formal complaint. Therefore, the Commission finds SourceGas failed to show that the assessment was excessive, erroneous, unlawful, or invalid and is therefore upheld.



O R D E R

IT IS THEREFORE ORDERED by the Commission that the objection is overruled and the assessment is upheld.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of November, 2007.

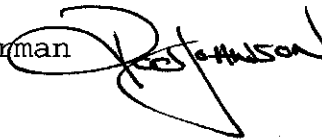
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Rod Johnson
//s// Frank E. Landis

Chairman



ATTEST:



Executive Director